

Remarks

In his summary of the interview that he initiated, the Examiner requested a clean copy of the pending claims. Applicants have attached at the end of these remarks such a clean copy of the pending claims, claims 1-60.

In numbered paragraphs 1-2, the Examiner required applicants to elect one of three species, and to identify which claims are readable on that species. Applicants elect species 1 WITH TRAVERSE. The Examiner defined species 1 as "figures 1-15, 37-41, and 46-47, drawn to regulators with medication chambers." Applicants have canceled claims 3, 18-21, 24, 26, 28, 32, 35-38, 40-41, 43, 45-53, and 55-59. Applicants have amended claims 1, 10-11, 22, 25, 27, 31, 33-34, 39, 54, and 60. Applicants have not added any new claims. Applicants believe that all claims now pending, including the amended claims, are now all readable on the elected species.

In numbered paragraphs 4-5, the Examiner referred to applicants' right to traverse the restriction requirement. Applicants traverse the restriction requirement, because they believe that the Examiner erred in asserting that there was more than one inventive concept. Applicants believe that all 60 claims are directed to a single inventive concept: a breathing apparatus adapted for releasing therapeutic agents into the user's lungs.

Both inventors are still each inventors of at least one of the remaining claims.

Conclusion

Applicants respectfully request that the restriction requirement be withdrawn, or, at least, that a Notice of Allowance be issued in this case for the now-pending claims as amended. I certify that I e-filed this correspondence via the USPTO's EFS-Web system on August 21, 2009.

Respectfully submitted,



Tim Headley
Registration No. 31,765
Headley IP Law
7941 Katy Freeway, Suite 506
Houston, TX 77024-1924
713 467 8500 direct
713 467 8501 fax
877 467 8502 toll-free
888 223 4724 toll-free fax
713 398 1045 cell
Tim.Headley@HeadleyIPLaw.com
www.headleyiplaw.com